

REMARKS

Reconsideration of this application is respectfully requested. Applicant would like to thank the Examiner for the Petition Decision mailed June 27, 2008. The Petition Decision noted that:

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item 1.

The application became abandoned for failure to timely file a proper reply within the meaning of 37 CFR 1.113 to the final Office action of June 13, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2).

Applicant submits that a proper reply has been presently filed within the meaning of 37 CFR § 1.113 to the Final Office Action of June 13, 2007, as a Request for Continued Examination has been filed along with the present Response to the Final Office Action, and a proper petition under 37 CFR 1.137(b).

Status of the claims

Claims 4, 7, and 10 are pending. Claims 1-3, 5, 6, 8, 9 and 11-32 have been cancelled. No new matter has been added.

Claim Objections

Claims 4, 7 and 10 stand objected to as being dependent upon a rejected base claim and reciting non-elected subject matter. Applicant has re-written the claims as suggested in the final Office Action mailed June 13, 2007. Additionally and as noted above, claims 1-3, 5, 6, 8, 9 and 11-32 have been cancelled. Applicant notes that the Advisory Action mailed June 27, 2008 set out that the indicated allowability of claims 4, 7, and 10 was withdrawn and the prosecution will be reopened to apply new art. However, the Advisory Action did not set out the new art or the basis for rejecting any of

claims 4, 7, and 10. Therefore, Applicant is unable to respond to the new art until it is presented by the Patent Office.

Applicants note that Advisory Action states that the rejection of claims 1-3, 5-6, 8-9, 11-13, and 32 under 35 USC § 103 over Li et al., Fisan et al., Sert et al., and Xu et al., is moot as those claims have been canceled.

Conclusion

Applicant respectfully submits that all claims now stand in condition for allowance. The Examiner is invited to contact the undersigned attorneys for the Applicant via telephone if such communication would expedite this application.

Respectfully submitted,

/EJB/
Eric J. Baude
Registration No. 47,413
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200